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IN THE

Supreme Court of the United States

October Term, 1973

No. 73-352

WAYNE HUBERT BRASS,
Petitioner,

vs.

UNITED STATES OF AMERICA,
Respondent.

PETITIONER'S REPLY TO THE MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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1973—Northwest Brief Printing Co., 501 Park Ave., Minneapolis 55415 338-5078

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Petitioner has shown by reference to specific works, each representing years of scholarship, that *Selective Draft Law Cases*, 245 U.S. 366 (1918), were decided on a misunderstanding of what was intended by the Framers of the Constitution concerning compulsory military service. Cf. *Erie R. R. Co. v. Tompkins*, 304 U.S. 64 (1938), reversing *Swift v. Tyson*, 16 Pet. 1 (U.S. 1842).

The Solicitor General misconceives the issue, refers to the wrong constitutional provisions, and then claims there

has been no showing that *Selective Draft Law Cases* were incorrectly decided. That is no response at all. We refer the Court to the petition.

Respectfully submitted,

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